

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

GREGORY MACLEAN, RICK VALLES,
ARDESHIR PEZESHKI, JAMES GIBBS, and
RONALD HEMENWAY, individually and in their
representative capacities,

Plaintiffs,

v.

WIPRO LIMITED,

Defendant.

Civil Action No. 20-3414 (FLW)

ORDER

THIS MATTER having been opened to the Court on a motion to dismiss filed by Stephanie L. Silvano, Esq., counsel for Defendant, Wipro Limited (“Defendant”), on various grounds, including statute of limitations and failure to state a claim under Fed. R. Civ. P. 12(b)(6); it appearing that Jonathan Rudnick, Esq. and Daniel Kotchen, Esq., counsel for Plaintiffs, Gregory MacLean (“MacLean”), Rick Valles (“Valles”), Ardeshir Pezeshki (“Pezeshki”), James Gibbs (“Gibbs”), and Ronald Hemenway (“Hemenway”) (collectively, “Plaintiffs”), opposed Defendant’s motion; the Court having considered the parties’ submissions without oral argument, pursuant to Rule 78 of the Federal Rules of Civil Procedure; for the reasons set forth in the Opinion filed on this date, and for good cause shown,

IT IS on this 29th day of September, 2022,

ORDERED that the Motion to Dismiss filed by Defendant (ECF No. 22) is **GRANTED** in part, and **DENIED** in part. Specifically, Defendant’s motion is granted as to Plaintiffs’ disparate impact claims under Title VII based on the Court’s finding that the First Amended Complaint fails to identify a facially neutral employment practice. However, Defendant’s motion is denied as to Plaintiff’s disparate treatment claims under Title VII and Section 1981. Further, the Court finds

that the individual Title VII disparate treatment claims asserted by Gibbs and Valles are time barred. Finally, Defendant's request to dismiss Plaintiffs' claims for prospective relief is denied as premature.

/s/ Freda L. Wolfson
Hon. Freda L. Wolfson
U.S. Chief District Judge